

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:13-cr-17(DCB)(FKB)

BRUCE BARLOW

DEFENDANT

ORDER

This cause is before the court on remand from the Fifth Circuit Court of Appeals (docket entry 74). The Judgment in this criminal case was filed on May 8, 2014. The defendant's notice of appeal was filed on June 4, 2014, which was beyond the fourteen day period to file a notice of appeal, but within the thirty day period for filing a motion for an extension of time to file a notice of appeal. The Fifth Circuit treats the filing of an untimely notice of appeal within the thirty days as a motion for a determination of whether the defendant is entitled to an extension of time to appeal. See United States v. Golding, 739 F.2d 183, 184 (5<sup>th</sup> Cir. 1984). Thus, the appellate court has remanded in order for this Court to make "a determination whether the untimely filing of the notice of appeal was due to excusable neglect or good cause." Accordingly,

IT IS HEREBY ORDERED that the defendant file with the Court, within fourteen (14) days from the date of entry of this Order, any facts and legal argument that would support a finding of excusable neglect or good cause for the defendant's failure to file his

notice of appeal within fourteen days from the date of entry of the Judgment.

SO ORDERED, this the 29th day of August, 2014.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE